

PATENTS  
112056-0004P1  
P01-1036.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of: )  
Samuel M. Cramer et al. )  
Serial No.: 09/933,883 )  
Filed: August 20, 2001 )  
For: NEGOTIATED GRACEFUL )  
TAKEOVER IN A NODE )  
CLUSTER )

Examiner: Manoskey, Joseph D.

Art Unit: 2113

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
November 12, 2004

"Express Mail" Mailing-Label Number: EV 335591933 US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AFTER FINAL REJECTION**

**UNDER 37 C.F.R. § 1.116**

This Amendment is filed in response to the FINAL Office Action mailed on October 13, 2004. All objections and rejections are respectfully traversed.



PATENTS  
112056-0004P1  
P01-1036.02

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the Patent Application of

Inventor(s): Samuel M. Cramer et al.

For: NEGOTIATED GRACEFUL TAKEOVER IN A NODE  
CLUSTER

Serial No.: 09/933,883

Filed: August 20, 2001

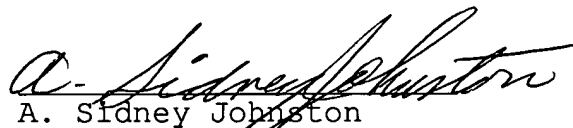
are the following papers:

- ☒ A response to the Office action dated October 13, 2004
- ☐ A petition for extension of time and check for \$
- ☐ A check for \$ to cover the fee for additional claims resulting from the response. The fee is calculated as follows:

Total Claims Remaining after  
Amendment:.....45  
Less Highest Number of Total Claims  
Previously Paid for:.....45  
  
Difference.....0 × \$ 18 = \$ 0  
  
Independent Claims Remaining  
after Amendment.....5  
Less Highest Number of Independent  
Claims Previously Paid for.....5  
  
Difference.....0 × \$ 88 = \$ 0  
  
Multiple-Dependent-Claim Fee Required  
after Amendment and Not Previously Paid..... \$ 0  
  
Total of Above Calculations..... \$ 0  
Less Reduction for Small Entity ..... \$ 0  
  
Total Due ..... \$ 0

The Commissioner is hereby authorized to charge any  
other fees under 37 C.F.R. §§1.16 and 1.17 that may be required,  
or credit any overpayment, to our Deposit Account No. 03-1237.

Respectfully submitted,

  
A. Sidney Johnston  
Reg. No. 29,348  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
(617) 951-2500

**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims Small Entity Status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 0

Complete if Known

Application Number	09/933,883
Filing Date	August 20, 2001
First Named Inventor	Samuel M. Cramer et al.
Examiner Name	Manoskey, Joseph D.
Group Art Unit	2113
Attorney Docket No.	112056-0004P1

**METHOD OF PAYMENT** (check all that apply)
☒ Check ☐ Credit Card ☐ Money ☐ Other ☐ None  
☒ Deposit Account Order

 Deposit Account Number  
 03-1237

 Deposit Account Name  
 Cesari and McKenna, LLP

The Commissioner is authorized to: (check all that apply)

Charge any deficiency or

☐ Charge fee indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>				(\$)	0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Independent Claims		Multiple Dependent		Extra Claims		Fee from below		Fee Paid	
45	-	5	-			0	x	18	=	0	
						0	x	88	=	0	
									=	0	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>				(\$)

\*\*or number previously paid, if greater; For Reissues, see below

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English Specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920	1804	920	Requesting publication of SIR prior to Examiner action	
1805	1,840	1805	1,840	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility Issue fee (or reissue)	
1502	490	2502	245	Design Issue fee	
1503	660	2503	330	Plant Issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

Other fee (specify)

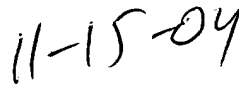
\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$) 0**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	A. Sidney Johnston	Registration No. (Attorney/Agent)	29,548	Telephone	(617) 951-2500
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Signature	<i>A. Sidney Johnston</i>	Date	November 12, 2004
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the



AF  
Bw